

REMARKS**DRAFT**

OVERVIEW

Claims 1-17 and 30-34 are pending in this application. Claims 30-34 are new. Claims 1, 4, 7 and 10 have been amended. The present response is in earnest effort to place the application in proper form for immediate allowance. Reconsideration and passage to issuance is respectfully requested.

INFORMATION DISCLOSURE STATEMENT

The Applicant filed an Information Disclosure Statement on February 22, 2002. That statement discloses prior art references that were cited by a U.S. PTO Examiner in a co-pending case having a Serial No. of 09/570,758. The Applicant respectfully requests the Examiner to consider those prior art references.

RESTRICTION REQUIREMENT

The Examiner stated that "[b]ecause the applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse." The Examiner then goes on to restrict out claims 18-29. The Applicant points out that the Examiner in Paper No. 5, never stated which claims were considered to be species I and which claims were considered to be species II. Rather, the Examiner chose to treat Figure 1 as species I and Figure 6 as species II. The Applicant properly responded by electing species I and specifying those claims readable thereon. There was no argument with traverse necessary at that time because there was no disagreement as to which claims read on Figure 1.

Nevertheless, the Applicant is canceling those claims which the Examiner has indicated are directed to species II as the Examiner has already conducted a search. The Applicant will likely pursue those claims restricted out in a divisional application.

DRAFT**SPECIFICATION**

The Examiner has noted that the word "attenuate" means reduce, diminish, lessen, weaken, or similar terminology. The Examiner has further indicated that "it appears that applicant is using a term for a different meaning and should amend the Specification accordingly." (Office Action, page 2). The Applicant submits that the Applicant is using the proper definition of the word "attenuate." The Applicant uses this terminology to describe a transmission signal having a limited transmission range. When a transmission signal is attenuated, the transmission range of the signal is reduced or limited (assuming no other changes in the communication system). Therefore, the Applicant submits there is no need to amend the Specification, however, if the Examiner disagrees, it would be helpful for the Examiner to clarify the Examiner's position.

The Applicant has amended the Specification on page 6, first full paragraph, to include the sentence that "[t]he sounds can include heart sounds, lung sounds, or bowel sounds." This disclosure is clear from the original claims of the application as filed, including original claims 13-15. The Examiner previously objected to the Specification for failing to provide proper antecedent basis for the claimed subject matter as the subject matter of claim 15 was not disclosed. The Applicant submits that this amendment to the Specification remedies the Examiner's objection and the objection should now be withdrawn.

ISSUES UNDER 35 U.S.C. § 112

The Examiner previously rejected claim 7 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the Specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time of the application was filed, had possession of the claimed invention. In particular, claim 7 recites that

DRAFT

the pressure sensor is a Sphygmomanometer. Pursuant to the Examiner's suggestion, claim 7 has been amended to recite a "blood pressure sensing transducer." Therefore, the Applicant submits that this rejection should now be withdrawn.

ISSUES UNDER 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-4, 6, 8-15, and 16-17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,099,486 to Fruscello in view of U.S. Patent No. 6,002,777 to Grasfield, et al. ("Grasfield"). Neither Fruscello nor Grasfield discloses "a display operatively connected to the pressure transducer for displaying a representation of an output from the pressure transducer." The Applicant does note that Grasfield discloses mode indicator LED's 174 (e.g. Figure 12) but this is not "a display operatively connected to the pressure transducer for displaying a representation of an output from the pressure transducer" as required by claim 1. As claims 2-4, 6, and 8-9 depend from claim 1, the Applicant respectfully submits that all such rejections should now be withdrawn.

Claims 1-3, 7-12, 16 and 17 have previously been rejected under 35 U.S.C. § 103(a) as being unpatentable over Thornton, et al. ("Thornton"). Claim 1 now requires "a display operatively connected to the pressure transducer for displaying a representation of an output from the pressure transducer." This is simply not disclosed in Thornton. As the Examiner has stated, Thornton does not even have a pressure transducer. Further, Thornton does not include a "display operatively connected to the pressure transducer for displaying a representation of an output from the pressure transducer." Thornton does disclose using a local monitor E within a patient's room or a display monitor and recorder D located remotely such as at a nursing station. Neither monitor of Thornton is "operatively connected to the pressure transducer." Therefore, the Examiner should now find claim 1 allowable. As claims 2-3 and 7-9 depend from claim 1,

DRAFT

the Examiner should now also find these claims allowable as well. Claim 10 requires "transducing a physiological pressuring using a device placed on a patient." As well as "displaying a representation of the physiological pressure on a display within the device." These limitations of the method of claim 10 are simply not disclosed in Thornton, therefore these rejections should be removed and the Examiner should find claim 10 allowable. As claims 11-12 and 16-17 depend from claim 10, the Examiner should now also find these claims allowable as well.

NEW CLAIMS

This amendment adds new claims 30-34. Claim 30 depends from claim 1 and further requires "a memory operatively connected to the pressure transducer for storing an audio representation of the physiological pressure." Support for this new claim is found in the Specification, at least at page 6, the third full paragraph. Similarly, claim 31 is addressed to the same subject matter but to the methodology as opposed to the structure.

New claim 32 is an independent claim directed toward the same aspect of the invention. New claims 33 and 34 depend from new claim 32. Claim 33 includes "a display" and claim 34 includes "a temperature."

The Applicant submits the Examiner should now find the new claims allowable as well.

SUMMARY

Based upon the foregoing, the Applicant respectfully submits that all pending claims are in condition for immediate allowance, as they are patentably distinguishable over the prior art.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

DRAFT

Proper reconsideration and passage to allowance are respectfully requested. Should the Examiner not find that all claims are now in proper form for immediate allowance, the undersigned attorney respectfully requests that the Examiner call the undersigned attorney to schedule an Examiner Interview.

Respectfully submitted,

JEFFREY D. HARTY, Reg. No.
McKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No. (515) 288-3667
Fax No. (515) 288-1338
CUSTOMER NO: 22885

Attorneys of Record

- bja -

DRAFT

Application No. P04425US0

**AMENDMENT — VERSION WITH MARKINGS
TO SHOW CHANGES MADE****In the Specification**

Please amend the first full paragraph of page 6 of the Specification as follows:

Figure 1 shows a bottom plan view of a wireless stethoscope 10 according to an embodiment of the present invention. Stethoscope 10 includes a diaphragm 12 and a bell 14. Diaphragm 12 is conventional. Diaphragm 12 is preferably comprised of plastic and operates in conjunction with a microphone to transduce sound waves into electrical signals. Any material which can transduce sound (or other physiological pressure) into an electric or magnetic signal, such as a piezoelectric material, could be used. Bell 14 is a conventional stethoscope bell. The sounds can include heart sounds, lung sounds, or bowel sounds.

In the Claims

Kindly cancel claims 18-29, which the Examiner has previously restricted out of the application.

Please amend claims 1, 4, 7, and 10 as follows:

1. (Amended)

A new device for monitoring a physiological pressure having the advantages of limiting electromagnetic interference and consuming little power, comprising:
a pressure transducer; and
a transmitter in operative communication with the transducer, the ~~transmitted-transmitter~~ adapted to broadcast a signal which is modulated by an output of the pressure transducer; wherein the transmitter is adapted to limit the power of the broadcast signal so that the signal will attenuate within a predetermined distance from the transmitter; and

DRAFT

a display operatively connected to the pressure transducer for displaying a representation of an output from the pressure transducer.

4. (Amended)

The device of claim 1, further comprising:
a temperature sensor, wherein the transmitter is adapted to convey a signal which is modulated by outputs of both the pressure transducer and the temperature sensor, and wherein the display is further adapted to display a representation of an output from the temperature sensor.

7. (Amended)

The device of claim 1 wherein the pressure transducer is a ~~sphygmomanometer~~, blood pressure sensing transducer.

10. (Amended)

A new method of monitoring a physiological pressure having the advantages of limiting electromagnetic interference and consuming little power, comprising:
transducing a physiological pressure using a device placed on a patient;
displaying a representation of the physiological pressure on a display within the device;
broadcasting a signal which is modulated by the transduced physiological pressure; and
limiting the power of the signal so that it will attenuate within a predetermined distance.

Please enter new claims 30-34 as follows:

30. The device of claim 1 further comprising a memory operatively connected to the pressure transducer for storing an audio representation of the physiological pressure.

31. The method of claim 10 further comprising recording an audio representation of the physiological pressure within the device.

DRAFT

32. A device for monitoring physiological pressure, comprising:

a housing;

a pressure transducer operatively attached to the housing;

a transmitter operatively connected to the pressure transducer;

a memory disposed within the housing and operatively connected to the pressure transducer for storing an audio representation of a sound transduced by the pressure transducer.

33. The device of claim 32 further comprising a display operatively connected to the pressure transducer for displaying a representation related to an output of the pressure transducer.

34. The device of claim 33 further comprising a temperature sensor operatively connected to the display, and wherein the display is adapted for displaying a representation related to an output of the temperature sensor.